



**ORDINANCE NO. 2720-03**

**AN ORDINANCE** amending the City's Zoning Code (EMC Title 19) to be consistent with the provisions of the City's Land Division Ordinance (EMC Title 18), superseding and amending Ordinance No. 1671-89, as amended.

**WHEREAS,** The City Council adopted Ordinance No. 1671-89, amending the City of Everett Zoning Code; and

**WHEREAS,** The City Council adopted Ordinance No. 2328-98, amending and updating the City of Everett Land Division Ordinance, which included revisions to standards related to the subdivision of land within the City of Everett; and

**WHEREAS,** It is necessary to periodically review and amend ordinances and development standards to ensure that their intent and purpose are being adequately implemented; and

**WHEREAS,** The Planning Commission, at the request of City staff, has initiated the review and update of the City's Land Division Ordinance and related standards of the Zoning Code; and

**WHEREAS,** The Planning Commission held public workshops and public hearings on September 24, 2002; January 21, 2003; March 18, 2003; April 1, 2003; and July 1, 2003 to review staff recommended changes to the Land Division Ordinance and Zoning Code; and

**WHEREAS,** The Planning Commission considered testimony at each public workshop from citizens, surveyors, builders, realtors and the Master Builders Association of King-Snohomish County related to the proposed amendments to the City's Land Division Ordinance and Zoning Code; and

**WHEREAS,** The Planning Commission asked staff to consider and respond to concerns raised through the public participation process; and

**WHEREAS,** Staff and the Planning Commission have incorporated many additional changes into the proposed amendments as a result of public testimony; and

**WHEREAS,** The proposed amendments to the Land Division Ordinance and Zoning Code are consistent with the applicable provisions of the Everett Comprehensive Plan; bear a substantial relation to the public health, safety and welfare; and promote the best long term interests of the Everett community; and

**WHEREAS,** The proposed amendments to EMC Title 18 and EMC Title 19 require corresponding amendments to the Local Project Review Procedures Ordinance (EMC Title 15).

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1:** Table 5.1 of Ordinance No. 2397-99 § 36 (Table 5.1 of EMC 19.05.010) which reads in part as follows:

**Table 5.1 Residential uses.**

<b>ZONE USE</b>	<b>A-1</b>	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-1A R-2A</b>
Accessory dwelling unit	I(1)	I(1)	I(1)	I(1)	I(1)
Dwelling, two-family (duplex)			I(8)	I(9)	I(9)

**Be and the same is hereby amended to read as follows:**

**Table 5.1 Residential uses.**

<b>ZONE USE</b>	<b>A- 1</b>	<b>R- S</b>	<b>R- 1</b>	<b>R- 2</b>	<b>R- 1A R- 2A</b>
Accessory dwelling unit(53)	I(1)	I(1)	I(1)	I(1)	I(1)
Dwelling, two-family (duplex)(53)			I(8)	I(9)	I(9)

(53) Accessory dwelling units and duplexes are not permitted on lots within easement access short subdivisions, except for existing duplexes as provided under EMC Chapter 18.28..

**Section 2:** Table 6.1 of Ordinance No. 2397-99 § 36 (EMC 19.06.010; Table 6.1), which read, in part, as follows:

**Table 6.1 Development standards.**

<b>ZONE STANDARDS</b>	<b>A-1</b>	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-1A</b>	<b>R-2A</b>
Min. Lot Area	5 acres	9,000 sf (1)	6,000 sf (1)	4,500 sf (1)	4,500 sf (2)	4,500 sf (2)
Max. Lot Coverage by Building	N/A	35%	35%	40%	40% (2)	40% (2)

(1) See Section 39.130 for lot area averaging in plats and the cluster alternative for subdividing for single-family attached dwellings. The minimum required lot area for a duplex in the R-2 zone shall be 7,500 square feet.

is hereby amended to read as follows:

**Table 6.1 Development standards.**

<b>ZONE STANDARDS</b>	<b>A-1</b>	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-1A</b>	<b>R-2A</b>
Min. Lot Area	5 acres	9,000 sf (1)	6,000 sf (1)	5,000 sf (1)	5,000 sf (2)	5,000 sf (2)
Max. Lot Coverage by Building(37)	N/A	35%	35%	40%	40% (2)	40% (2)

(1) See Section 39.130 for lot area averaging in plats and the cluster alternative for subdividing for single-family attached dwellings. In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be 4,500 square feet. The minimum required lot area for a duplex in the R-2 zone shall be 7,500 square feet.

(37) In single-family zones, lots less than 5,000 square feet in area shall be permitted to have a maximum lot coverage of 50%.

**Section 3:** Section 6 of Ordinance No. 2397-99 § 36 (EMC 19.06) is hereby amended by the addition of the following subsection:

**6.130 Land Division Standards Incorporated**

All divisions of land shall comply with the standards of this Title and all applicable standards of EMC Title 18 (Land Division).

**Section 4:** Section 9 of Ordinance No. 2146-96, as amended by Sections 22, 23 and 24 of Ordinance No. 2657-02 (EMC 19.07.010), which reads as follows:

**7.010 Small lot single-family dwelling, and duplex development standards.**

Single-family dwellings to be built on lots having less than five thousand square feet in any zone, and duplexes on any sized lot in any zone shall meet the development standards contained herein unless approved as part of a multiple-family development pursuant to Chapter 15 of this title. It is the intent of these development standards that single-family dwellings on small lots and duplexes be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The planning director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

A. Where lots front on a public street, the house shall have doors and windows which face the street. Houses should have a distinct entry feature such as a porch or weather covered entry way with minimum dimensions of six feet by six feet. Covered porches open on three sides may encroach six feet into a required front setback. The planning director may approve an entry way with dimensions different than the six feet by six feet dimensions specified herein; provided, that the entry visually articulates the front facade of the dwelling so as to create a distinct entry way, meets setback requirements, provides at least thirty-six square feet of weather cover, and has a minimum dimension of four feet.

B. If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.

C. If there is no alley access and the lot fronts on a public street or easement access drive, the front of the garage shall be set back five feet from the front of the dwelling, and the dwelling(s) shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. Driveways shall not exceed twenty feet in width in the required front setback area.

D. Dwellings built on lots without direct frontage on the public street should be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). The review authority shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

E. Lot coverage by buildings shall not exceed forty percent. Gross floor area of the dwelling, including the garage, shall not exceed fifty percent of the lot area. For dwellings with a basement that is more than seventy-five percent below grade, the square footage of the basement shall not be included in the calculation of the gross floor area of the dwelling.

F. Appropriately sized and placed landscaping should be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

G. Accessory dwelling units shall not be permitted for single-family detached dwellings on lots containing less than five thousand square feet.

H. On lots located north of 41st Street, a minimum roof pitch of 6:12 is required.

I. On lots located north of 41st Street, windows facing the street shall be vertically proportioned (taller than they are wide).

J. When the individual dwelling units in a duplex are attached by a nonresidential portion of the structure, such as a garage or storage building, the attachment between dwellings shall measure at least fifty percent of the length of each wall to which it attaches and be a minimum of one story in height.

**Is hereby amended to read as follows:**

Single-family dwellings to be built on lots having less than five thousand square feet in any zone, and duplexes on any sized lot in any zone shall meet the development

standards contained herein unless approved as part of a multiple-family development pursuant to Chapter 15 of this title. It is the intent of these development standards that single-family dwellings on small lots and duplexes be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The planning director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

A. The dwelling or duplex shall have:

1. doors and windows which face the street; ; and
2. a distinct entry feature such as a porch or weather covered entry way with at least thirty-six square feet of weather cover, and a minimum dimension of four feet. Covered porches open on three sides may encroach six feet into a required front setback.

B. If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.

C. If there is no alley access, the front of the garage shall be set back five feet from the front of the dwelling, and the dwelling(s) shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. The Director may approve an alternative to the five foot setback for the garage consistent with guidelines promulgated by the Director that provide for a prominent entrance to the dwelling as viewed from the street, and architectural elements that minimize the bulk of the garage and garage door(s) and emphasize the dwelling unit orientation to the street. The alternative must provide equivalent or superior architectural design than would be provided by meeting the standards of this section.

D. For lots less than 5,000 square feet, lot coverage by buildings shall not exceed 50%. Gross floor area of the dwelling, excluding the garage, shall not exceed fifty percent of the lot area. For dwellings with a basement that is more than seventy-five percent below grade, the square footage of the basement shall not be included in the calculation of the gross floor area of the dwelling.

E. On lots located north of 41st Street, a minimum roof pitch of 6:12 is required.

F. On lots located north of 41st Street, windows facing the street shall be vertically proportioned (taller than they are wide). (Ord. 2146-96 9, 1996.)

G. When the individual dwelling units in a duplex are attached by a non-residential portion of the structure, such as a garage or storage building, the attachment between dwellings shall measure at least 50% of the length of each wall to which it attaches and be a minimum of one story in height.

**Section 5:** Section 19 of Ordinance No. 1838-91 (EMC 19.37.190.A.1), which reads in part as follows:

A. Lot Area. The calculation of minimum lot area for lots which contain areas classified as environmentally sensitive shall be determined as provided in this section. Lots that include land which is submerged beneath the mean high-water mark of lakes, Port Gardner Bay, or category I streams shall not be permitted to include the submerged portion of the lot in the calculation of lot area.

1. Single-Family Residential Developments.

a. Except as otherwise provided through the planned residential development (PRD) process or lot area averaging method, for zones in which the minimum lot area requirement is less than nine thousand square feet, not more than fifty percent of the area of those portions of the lot classified as environmentally sensitive may be credited toward the calculation of minimum lot area. Land placed within an environmentally sensitive area protective tract may be included in the calculation of minimum lot area provided in this chapter.

b. Except as otherwise provided through the planned residential development (PRD) process or lot area averaging method, for zones in which the minimum lot area requirement is nine thousand square feet or greater, not more than seventy-five percent of the area of those portions of the lot classified as environmentally sensitive may be credited toward the calculation of minimum lot area. Land placed within an environmentally sensitive area protective tract may be included in the calculation of minimum lot area provided in this chapter.

c. The lot area calculation requirements of this subsection shall not apply when using the lot area averaging method provided by Section 39.130 of this title, or when using the planned residential development (PRD) process described in Chapter 32 of this title.

**is hereby amended to read as follows:**

A. Lot Area. The calculation of minimum lot area for lots which contain areas classified as environmentally sensitive shall be determined as provided in this section. Lots that include land which is submerged beneath the mean high-water mark of lakes, Port Gardner Bay, or category I streams shall not be permitted to include the submerged portion of the lot in the calculation of lot area.

1. Single-Family Residential Developments.

This subsection applies to new lots created through the subdivision, short subdivision, or cluster development process, where the land to be subdivided contains environmentally sensitive areas and/or buffers. This subsection is not to be used with the lot area averaging provisions in Chapter 39.130 of this title, or in easement access short subdivisions.

a. For any new residential lot created, 100 percent of the area of those portions of the lot classified as environmentally sensitive and buffer may be credited toward the calculation of lot area. All such lots shall contain not less than 4,000 square feet, exclusive of environmentally sensitive area or buffer. Land placed within an environmentally sensitive area protective tract may be included in the calculation of lot area as provided in this chapter. Where a protective tract is provided, all lots shall contain a net area, excluding the tract, of not less than 4,000 square feet.

**Section 6:** Section 38.080 of Ordinance No. 1671-89, as amended by Section 27 of Ordinance 1729-90; Section 6 of Ordinance No. 1793-91; Sections 44,45 and 46 of Ordinance No. 1849-92; and Section 61 of Ordinance No. 2538-01 (EMC 19.38.080.A.1), which reads in part as follows:

A. Substandard Lots — Merger Clause. The following applies only to lots in the R-S zone existing prior to March 20, 1962, and to lots in the R-1, R-2, R-3 or R-4 zones existing prior to December 1, 1956:

1. Any lot which does not meet the minimum lot area or width requirements of the zone in which it is located, and which was conveyed and held as a separate lot in separate ownership as of the above dates and has not been subsequently merged with contiguous lots in accordance with subdivision 2 or 3 of this subsection is a substandard lot.

**is hereby amended to read as follows:**

A. Substandard Lots — Merger Clause. The following applies only to lots in the R-S zone existing prior to March 20, 1962, and to lots in the R-1, R-2, R-3 or R-4 zones existing prior to December 1, 1956:

1. Any lot which does not meet the minimum lot area, width, depth or frontage requirements of the zone in which it is located, and which was conveyed and held as a separate lot in separate ownership as of the above dates and has not been subsequently merged with contiguous lots in accordance with subdivision 2 or 3 of this subsection is a substandard lot.

**Section 7:** Section 38.080.B of Ordinance No. 1671-89, as amended by Section 27 of Ordinance No. 1729-90; Section 6 of Ordinance No. 1793-91; Sections 44, 45 and 46 of Ordinance No. 1849-92; and Section 61 of Ordinance No. 2538-01 (EMC 19.38.080.B), which reads as follows

B. Nonconforming Lot Certification. Lots which qualify as substandard lots, as provided by subsection 38.080A1 must be certified as a nonconforming lot prior to the issuance of a building permit. In order to be certified as a legal lot for building purposes, the applicant shall provide sufficient information to verify that the lot was legally created and that all applicable city zoning code requirements in effect at the time the lot was created were met, or that the lot was created prior to annexation to the city and met the minimum zoning code requirements of Snohomish County at the time the lot was established.

**Is hereby amended to read as follows:**

B. Nonconforming Lot Certification. Lots which qualify as substandard lots, as provided by subsection 38.080A1 must be certified as a nonconforming lot prior to the issuance of a building permit. In order to be certified as a legal lot for building purposes, the applicant shall provide sufficient information to verify that the lot was legally created and that all applicable city zoning code requirements in effect at the time the lot was created were met, or that the lot was created prior to annexation to the city and met the minimum zoning code requirements of Snohomish County at the time the lot was established.

Certification as a nonconforming lot shall not be construed as a representation or guarantee that the City can issue a building permit for the subject property. All applicable

City regulations pertaining to the issuance of building permits must also be met in order for a building permit to be issued on a nonconforming lot certified under this Section.

**Section 8:** Section 38.080 of Ordinance No. 1671-89, as amended by Section 27 of Ordinance No. 1729-90; Section 6 of Ordinance No. 1793-91; Sections 44, 45 and 46 of Ordinance No. 1849-92; and Section 61 of Ordinance No. 2538-01 (EMC 19.38.080.B), is hereby amended by the addition of the following language:

D. Lots Created through a process other than a short subdivision. Lots that were created after the effective date of the City's zoning code, or after the date of annexation are not recognized as lots for the purpose of this title unless they have been formally divided pursuant to the requirements of Chapter 58.17 RCW and applicable City ordinances. If the lots have not been formally divided pursuant to the requirements of Chapter 58.17 RCW and applicable City ordinances, they must be short subdivided in accordance with the requirements of EMC Title 18; provided, however, these lots shall not be required to be divided in accordance with the requirements of Chapter 58.17 RCW and Title 18 if they meet the following:

1. the lot(s) were created prior to November 2, 1975, and the lot(s) meet all zoning regulations in effect at the time they were created; or
2. the lot(s) were created prior to being annexed to the City, and meet all County zoning regulations at the time they were created.
3. All lots described in subsections 1 and 2 shall be certified as legal lots using the certification process in EMC 19.38.080.B.

**Section 9:** Section 39.020 of Ordinance No. 1671-89, as amended by Section 47 of Ordinance No. 1849-92 and Section 11 of Ordinance No. 2146-96, which reads in part as follows:

1. An accessory dwelling unit may be established in an existing single-family dwelling unit, on lots containing at least five thousand square feet, by any one or a combination of the following methods:

**is hereby amended to read as follows:**

1. Accessory dwelling units are prohibited on lots within an easement access short subdivision. An accessory dwelling unit may be established in an existing single-family dwelling unit, on lots containing at least five thousand square feet, by any one or a combination of the following methods:

**Section 10:** Section 39.130 of Ordinance No. 1671-89, as amended by Section 25 of Ordinance 1838-91; Sections 12 and 14 of Ordinance No. 2146-96 and Section 1 of Ordinance No. 2329-98 (EMC 19.39.130) which reads in part as follows:

A. Minimum Lot Area—Dimensions.

1. All of the following are deleted from the net square footage of a lot for the purpose of determining minimum lot area, except as otherwise permitted by Title 18 of this code:



- a. Public right-of-way; and
- b. Private roads, private primary access easement; and
- c. Minor portions of panhandle lots.

2. The area of any other easement is not subtracted from the net square footage of a lot.

B. Minimum Lot Area—Shape. Except as provided in subsection E of this section, every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. Lot width shall be measured at the midpoint between the front and rear building setback lines of the primary structure, which structure does not include detached garages or other accessory buildings.

C. Minimum Lot Area—Averaging in Subdivisions. In any formal subdivision or short subdivision, the individual lots of the subdivision shall be considered legal lots if the average of the areas of all lots in the subdivision meets the minimum requirement for the district in which the subdivision is located, provided:

1. That in the R-S zone, no individual lot therein shall be less than five thousand square feet in area or fifty feet in width;

2. That in the R- I zone, no individual lot therein shall be less than four thousand square feet in area, fifty feet in width, or eighty feet in lot depth;

3. That in the R-2 zone, the following standards shall apply:

a. On lots without alley access, and on lots abutting a public alley where topography precludes vehicular access to off-street parking from the alley, no individual lot therein shall be less than four thousand square feet in area, fifty feet in width, or eighty feet in lot depth,

b. On lots with alley access, except those described in subsection C.3.a of this section, no individual lot therein shall have an area less than three thousand square feet, be less than thirty feet in width, or less than eighty feet in lot depth. On such lots, the minimum lot frontage requirement shall be not less than thirty feet, and the lot frontage requirements of subsection D of this section shall not apply;

4. That lot area averaging may not be used to create lots for duplexes or multiple-family dwellings with less lot area than otherwise required by this title for the zone in which the property is located;

5. Not more than a thirty-five percent increase over the required minimum lot area for any single lot shall be credited in computing average lot area;

6. Common open space and/or common recreation areas provided within a subdivision shall be permitted to be included in the calculation of average lot area;

7. Environmentally sensitive areas placed in an environmentally sensitive area tract or covenant may be included in the calculation of average lot area, provided that no portion of an environmentally sensitive area may be included in the lot area of any lot containing less than five thousand square feet;

8. The development standards of Section 7.010 shall apply to single-family dwellings on lots with less than five thousand square feet created using the lot area averaging process;

9. Panhandle lots and lots with easement access shall not be eligible for lot area averaging, except as provided in subsection C.7 of this section, and short subdivisions that have received final approval prior to September 1, 1998, for which an amendment for one additional lot is made prior to January 1, 1999, provided such application complies with all requirements of this code and the city's Land Division Ordinance.

**is hereby amended to read as follows:**

**Minimum Lot Area — Minimum Lot Dimensions**

**A. Minimum Lot Area.**

1. All of the following are deleted from the net square footage of a lot for the purpose of determining minimum lot area, except as otherwise permitted by Title 18 of this code:
  - a. Public right-of-way; and
  - b. Private roads, private primary access easement; and
  - c. Minor portions of panhandle lots.
  - d. Portions of a tapered or pie shaped lot less than 40 feet in width. Only the front portion of the lot located between the street or easement access drive and dwelling shall be excluded from lot area. All other angled or tapered portions of lots may be included in lot area.
2. The area of any other easement is not subtracted from the net square footage of a lot.

**B. Minimum Lot Dimensions.** Except as provided in subsection E of this section, every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. The minor portion of a panhandle lot may not be used for purposes of meeting this requirement. Lot width shall be measured at the midpoint between the front and rear building setback lines of the primary structure, which structure does not include detached garages or other accessory buildings.

**C. Minimum Lot Area—Averaging in Subdivisions.** In any formal subdivision within the R-S, R-1 and R-2 zones and in short subdivisions other than easement access short subdivisions, the individual lots of the subdivision shall be considered legal lots if the average of the areas of all lots in the subdivision meets the minimum requirement for the district in which the subdivision is located, and further provided:

1. That no lot shall be less than 4,000 square feet with a minimum of 50 feet of width and 80 feet of depth unless in an R-2 zone where the lot abuts and takes vehicular access from a public alley.
2. On lots with alley access, no individual lot therein shall have an area less than three thousand square feet, be less than thirty feet in width, or less than eighty feet in lot depth. On such lots, the minimum lot frontage requirement shall be not less than thirty feet, and the lot frontage requirements of subsection D of this section shall not apply;

3. That lot area averaging may not be used to create lots for duplexes or multiple-family dwellings with less lot area than otherwise required by this title for the zone in which the property is located;

5. Not more than a thirty-five percent increase over the required minimum lot area for any single lot shall be credited in computing average lot area;

6. The development standards of Section 7.010 shall apply to single-family dwellings on lots with less than five thousand square feet created using the lot area averaging process;

7. Panhandle lots and lots with easement access shall not be eligible for lot area averaging.

8. This section may not be used in conjunction with Chapter 37.190.A.1 of this title, which allows credit for environmentally sensitive areas.

**Section 11:** Section 39.130 of Ordinance No. 1671-89, as amended by Section 1 of Ordinance No. 2329-98 (EMC 19.39.130.E.4.a which reads in part as follows:

a. Lot area, provided that the number of dwelling units does not exceed the number derived using the following formula:

On a two-acre site in the R-2 zone, the formula would be calculated as follows:

$$\begin{array}{l} 87,120 \text{ sq. ft. divided by } 4,500 \text{ square feet} = \\ 19 \text{ dwelling units.)} \end{array}$$

b. Lot width and depth.

**is hereby amended to read as follows:**

a. Lot area, provided that no lot shall have an area containing less than 4,000 square feet (3,000 square feet for lots with alley access), and that the number of dwelling units does not exceed the number derived using the following formula:

On a two-acre site in the R-2 zone, the formula would be calculated as follows:

$$\begin{array}{l} 87,120 \text{ sq. ft. divided by } 5,000 \text{ square feet} = \\ 17 \text{ dwelling units.)} \end{array}$$

b. Lot width, provided the lot has a minimum width of 45 feet if it does not have alley access, and a minimum width of 30 feet if it has alley access.

c. Lot depth, provided the lot has a minimum depth of 75 feet.

**Section 12:** Section 39.130 of Ordinance No. 1671-89, as amended by Section 1 of Ordinance No. 2329-98 (EMC 19.39.130.E.5.d), which reads as follows:

d. The dwelling unit orientation and design promotes greater privacy for existing residential areas abutting the subject property, and between individual

dwellings within the cluster development than would be likely to occur without the modification of development standards. Consideration will be given to orientation and design of dwelling units, screening, and landscaping.

**is hereby amended to read as follows:**

d. The dwelling unit orientation and design provides orientation to the street, including a prominent front entrance to the dwelling, minimizes the visual prominence of the garage and garage doors, promotes greater privacy for existing residential areas abutting the subject property, and between individual dwellings within the cluster development than would be likely to occur without the modification of development standards. Consideration will be given to orientation and design of dwelling units, screening, and landscaping.

**Section 13:** Section 39.130 of Ordinance No. 1671-89, as amended by Section 1 of Ordinance No. 2329-98 (EMC 19.39.130.E.7.e), which reads as follows:

e. Appropriately sized and placed landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

**is hereby amended to read as follows:**

e. Appropriately sized and placed landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives. The City may require a community landscaping maintenance easement for the front yards of all homes or lots, and require maintenance by the homeowners association to ensure uniform maintenance of all front yards within the development.

**Section 14:** Section 40.050.A of Ordinance No. 1671-89, as amended by Section 61 of Ordinance No. 1849-92, which reads in part as follows:

A. General. The planning director shall determine the amount of the assurance device as follows:

1. For a performance assurance device the amount shall be three hundred percent of the cost of the work or improvements covered by the assurance device based on estimated costs immediately following the expiration of the device.

**is hereby amended to read as follows:**

A. General. The planning director shall determine the amount of the assurance device as follows:

1. For a performance assurance device the amount shall be one hundred fifty percent of the cost of the work or improvements covered by the assurance device

based on estimated costs immediately following the expiration of the device, except that the amount of an assurance device for any improvement regulated by EMC 19.37 (Environmentally Sensitive Areas) shall be three hundred percent of the cost of the work or improvements based on estimated costs immediately following the expiration of the device.

**Section 15:** It is expressly the purpose of this ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

It is the specific intent of this ordinance that no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this ordinance is intended not shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 16:** The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

  
FRANK E. ANDERSON, Mayor

ATTEST:

  
CITY CLERK

Passed: 9-24-03  
Valid: 9-25-03  
Published: 9-30-03  
Effective Date: 10-11-03